

## Calendar No. 605

107TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 107-286

### OMNIBUS NATIONAL HERITAGE AREA ACT OF 2002

SEPTEMBER 17, 2002.—and ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany H.R. 695]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 695) to establish the Oil Region National Heritage Area, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Omnibus National Heritage Area Act of 2002”.

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Sec. 701. Authorization of appropriations.

## TITLE I—OIL REGION NATIONAL HERITAGE AREA

### SEC. 101. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This title may be cited as the “Oil Region National Heritage Area”.

(b) **DEFINITIONS.**—For the purposes of this title, the following definitions shall apply:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Oil Region National Heritage Area established in section 103(a).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Oil Heritage Region, Inc., or its successor entity.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 102. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake's drilling of the world's first successful oil well in 1859 has affected the industrial, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river's tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The upspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape of this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) **PURPOSE.**—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

#### **SEC. 103. OIL REGION NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is hereby established the Oil Region National Heritage Area.

(b) **BOUNDARIES.**—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled “Oil Region National Heritage Area”, numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary shall publish in the **FEDERAL REGISTER**, as soon as practical after the date of the enactment of this title, a detailed description and map on the boundaries established under this subsection.

(c) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be Oil Heritage Region, Inc., the locally-based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 105(b).

#### **SEC. 104. MEMORANDUM OF UNDERSTANDING.**

To carry out the purposes of this title, the Secretary shall enter into a memorandum of understanding with the management entity. The memorandum shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

#### **SEC. 105. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.**

(a) **AUTHORITIES.**—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

- (1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;
- (2) hiring and compensating staff; and
- (3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) **MANAGEMENT PLAN.**—The management entity shall develop a management plan for the Heritage Area that—

- (1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;
- (2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;
- (3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;
- (4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;
- (5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(6) recommends policies for resource management which consider and detail application of appropriate land and water management techniques, including, but not limited to, the development of intergovernmental and interagency cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability;

(7) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(8) includes an analysis of ways in which local, State, and Federal programs, including the role for the National Park Service in the Heritage Area, may best be coordinated to promote the purposes of this title;

(9) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(10) includes an interpretation plan for the Heritage Area.

(c) **DEADLINE; TERMINATION OF FUNDING.**—

(1) **DEADLINE.**—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) **TERMINATION OF FUNDING.**—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) **DUTIES OF MANAGEMENT ENTITY.**—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

**SEC. 106. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—

(A) **OVERALL ASSISTANCE.**—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 105(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) **OTHER ASSISTANCE.**—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its du-

ties under this title (including updating and implementing a management plan that is submitted under section 105(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives, upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

- (A) implementation of the management plan;
- (B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;
- (C) development and application of techniques promoting the preservation of cultural and historic properties;
- (D) preservation, restoration, and reuse of publicly and privately owned historic buildings;
- (E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audiovisual and interactive exhibits, and educational curriculum materials for public education; and
- (F) implementation of initiatives prior to approval of the management plan.

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

- (1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.
- (2) The level of public participation in the development of the management plan.
- (3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 105(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

#### SEC. 107. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

- (1) consult with the Secretary and the management entity with respect to such activities;
- (2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- (3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

#### SEC. 108. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

#### SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

**SEC. 110. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

## **TITLE II—ARABIA MOUNTAIN NATIONAL HERITAGE AREA**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Arabia Mountain National Heritage Area Act of 2002”.

**SEC. 202. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use;

(2) the best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities;

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species;

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop;

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity;

(6) the city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States;

(7) the community of Klondike is eligible for designation as a National Historic District; and

(8) the city of Lithonia has two structures listed on the National Register of Historic Places.

(b) **PURPOSES.**—The purposes of this title are—

(1) to recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant site and communities; and

(2) to assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

**SEC. 203. DEFINITIONS.**

In this title:

(1) **HERITAGE AREA.**—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 204.

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Arabia Mountain Heritage Area Alliance or its successor.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the heritage area developed under section 206.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Georgia.

**SEC. 204. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established the Arabia Mountain National Heritage Area in the State.

(b) **BOUNDARIES.**—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled “The Preferred Concept” contained in the document entitled “Arabia Mountain National Heritage Area Feasibility Study”, dated February 28, 2001.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT ENTITY.**—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

**SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the management entity may—

- (1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;
- (2) hire and compensate staff; and
- (3) enter into contracts for goods and services.

(b) **DUTIES.**—

(1) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The management entity shall develop and submit to the Secretary the management plan.

(B) **CONSIDERATIONS.**—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) **PRIORITIES.**—The management entity shall give priority to implementing actions described in the management plan, including—

(A) assisting units of government and nonprofit organizations in preserving resources within the heritage area; and

(B) encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) **ANNUAL REPORT.**—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes—

(A) the accomplishments of the management entity; and

(B) the expenses and income of the management entity.

(5) **AUDIT.**—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

**SEC. 206. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) **BASIS.**—The management plan shall be based on the preferred concept in the document entitled “Arabia Mountain National Heritage Area Feasibility Study,” dated February 28, 2001.

(c) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) **REQUIREMENTS.**—The management plan shall include—

(1) an inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title;

(3) an interpretation plan for the heritage area;

- (4) a program for implementation of the management plan that includes—
  - (A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and
  - (B) the identification of existing and potential sources of funding for implementing the plan; and
- (5) a description and evaluation of the management entity, including the membership and organizational structure of the management entity.
- (e) SUBMISSION TO SECRETARY FOR APPROVAL.—
  - (1) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit the management plan to the Secretary for approval.
  - (2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.
- (f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—
  - (1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.
  - (2) ACTION FOLLOWING DISAPPROVAL.—
    - (A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—
      - (i) advise the management entity in writing of the reasons for the disapproval;
      - (ii) make recommendations for revisions to the management plan; and
      - (iii) allow the management entity to submit to the Secretary revisions to the management plan.
    - (B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.
- (g) REVISION OF MANAGEMENT PLAN.—
  - (1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—
    - (A) review the management plan; and
    - (B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.
  - (2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

#### SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE.

- (a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.
- (b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—
  - (1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and
  - (2) the provision of education, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

#### SEC. 208 EFFECT ON CERTAIN AUTHORITY.

- (a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—
  - (1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 204(b) but for the establishment of the heritage area by section 204; or
  - (2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 204(b) as of the date of enactment of this title, solely as a result of the establishment of the heritage area by section 204.
- (b) LAND USE REGULATION.—Nothing in this title—
  - (1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by



law (including regulations) in existence on the date of enactment of this title;  
or

(2) grants powers of zoning or land use to the management entity.

**SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

**SEC. 210. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

### **TITLE III—FREEDOM’S WAY NATIONAL HERITAGE AREA**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Freedom’s Way National Heritage Area Act”.

**SEC. 302. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the cultural and natural legacies of an area encompassing 36 communities in Massachusetts and 6 communities in New Hampshire have made important and distinctive contributions to the national character of America;

(2) recognizing and protecting those legacies will help sustain the quality of life in the future;

(3) significant legacies of the area include—

(A) the early settlement of the United States and the early evolution of democratic forms of government;

(B) the development of intellectual traditions of the philosophies of freedom, democracy, and conservation;

(C) the evolution of social ideas and religious freedom;

(D) the role of immigrants and industry in contributing to ethnic diversity;

(E) Native American and African American resources; and

(F) the role of innovation and invention in cottage industries;

(4) the communities in the area know the value of the legacies but need a cooperative framework and technical assistance to achieve important goals by working together;

(5) there is a Federal interest in supporting the development of a regional framework to assist the States, local governments, local organizations, and other persons in the region with conserving, protecting, and bringing recognition to the heritage of the area for the educational and recreation benefit of future generations of Americans;

(6) significant examples of the area’s resources include—

(A) Walden Pond State Reservation in Concord, Massachusetts;

(B) Minute Man National Historical Park in the State of Massachusetts;

(C) Shaker Villages in Shirley and Harvard in the State of Massachusetts;

(D) Wachusett Mountain State Reservation, Fitchburg Art Museum, and Barrett House in New Ipswich, New Hampshire; and

(E) Beaver Brook Farms and Lost City of Monson in Hollis, New Hampshire;

(7) the study entitled “Freedom’s Way Heritage Area Feasibility Study”, prepared by the Freedom’s Way Heritage Association, Inc., and the Massachusetts Department of Environmental Management, demonstrates that there are sufficient nationally distinctive historical resources necessary to establish the Freedom’s Way National Heritage Area; and

(8) the Freedom’s Way Heritage Association, Inc., should oversee the development of the Freedom’s Way National Heritage Area.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities referred to in paragraph (1) in preserving the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historical, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

**SEC. 303. DEFINITIONS.**

In this Act:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Freedom’s Way National Heritage Area established by section 304(a).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the management entity for the Heritage Area designated by section 304(d).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 305.

(4) **MAP.**—The term “Map” means the map entitled “Freedom’s Way National Heritage Area”, numbered FRWA P-75/80,000 and dated July 2002.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 304. FREEDOM’S WAY NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established the Freedom’s Way National Heritage Area in the States of Massachusetts and New Hampshire.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The Heritage Area shall consist of the land within the boundaries of the Heritage Area, as depicted on the Map.

(2) **REVISION.**—The boundaries of the Heritage Area may be revised if the revision is—

- (A) proposed in the management plan;
- (B) approved by the Secretary in accordance with section 305(c); and
- (C) placed on file in accordance with subsection (c).

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a legal description of the Heritage Area.

(2) **AVAILABILITY.**—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT ENTITY.**—The Freedom’s Way Heritage Association, Inc., shall serve as the management entity for the Heritage Area.

**SEC. 305. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) take into consideration and coordinate Federal, State, and local plans to present a unified historic preservation and interpretation plan;

(2) involve residents, public agencies, and private organizations in the Heritage Area;

(3) describe actions that units of government and private organizations recommend for the protection of the resources of the Heritage Area;

(4) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(5) include—

(A) an inventory of the cultural, historic, natural, or recreational resources contained in the Heritage Area, including a list of property that—

- (i) is related to the themes of the Heritage Area; and
- (ii) should be conserved, restored, managed, developed, or maintained;

(B) a recommendation of policies for resource management and protection that—

- (i) apply appropriate land and water management techniques;
- (ii) develop intergovernmental cooperative agreements to manage and protect the cultural, historic, and natural resources and recreation opportunities of the Heritage Area; and
- (iii) support economic revitalization efforts;

(C) a program of strategies and actions to implement the management plan that—

- (i) identifies the roles of agencies and organizations that are involved in the implementation of the management plan and the role of the management entity;
- (ii) includes—

- (I) restoration and construction plans or goals;
  - (II) a program of public involvement;
  - (III) annual work plans; and
  - (IV) annual reports;
  - (D) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this title;
  - (E) an interpretive and educational plan for the Heritage Area;
  - (F) any revisions proposed by the management entity to the boundaries of the Heritage Area and requested by the affected local government; and
  - (G) a process to provide public access to the management entity for the purpose of attempting to resolve informally any disputes arising from the management plan.
- (c) **FAILURE TO SUBMIT.**—If the management entity fails to submit the management plan to the Secretary in accordance with subsection (a), the Heritage Area shall no longer qualify for Federal funding.
- (d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—
- (1) **IN GENERAL.**—Not later than 90 days after receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.
  - (2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—
    - (A) the management entity afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;
    - (B) the resource protection and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Area; and
    - (C) the Secretary has received adequate assurance from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.
  - (3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—
    - (A) advise the management entity in writing of the reasons for the disapproval;
    - (B) make recommendations for revisions to the management plan; and
    - (C) not later than 60 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.
- (e) **AMENDMENTS.**—
- (1) **IN GENERAL.**—In accordance with subsection (b), the Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.
  - (2) **USE OF FUNDS.**—Funds made available under this title shall not be expended by the management entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

**SEC. 306. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.**

- (a) **AUTHORITIES.**—The Management Entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—
- (1) make grants to, and enter into cooperative agreements with, the States of Massachusetts and New Hampshire (including a political subdivision thereof), a nonprofit organization, or any person;
  - (2) hire and compensate staff;
  - (3) obtain funds from any source (including a program that has a cost-sharing requirement); and
  - (4) contract for goods and services.
- (b) **DUTIES OF THE MANAGEMENT ENTITY.**—In addition to developing the management plan, the management entity shall—
- (1) give priority to the implementation of actions, goals, and strategies set forth in the management plan, including assisting units of government and other persons in—
    - (A) carrying out the programs that recognize and protect important resource values in the Heritage Area;
    - (B) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;
    - (C) establishing and maintaining interpretive exhibits in the Heritage Area;
    - (D) developing recreational and educational opportunities in the Heritage Area;

- (E) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area;
- (F) restoring historic buildings that are located in the Heritage Area and relate to the themes of the Heritage Area; and
- (G) installing throughout the Heritage Area clear, consistent, and appropriate signs identifying public access points and sites of interest;
- (2) prepare and implement the management plan while considering the interests of diverse units of government, business, private property owners, and non-profit groups within the Heritage Area;
- (3) conduct public meetings at least quarterly regarding the development and implementation of the management plan;
- (4) for any fiscal year for which Federal funds are received under this title—
  - (A) submit to the Secretary a report that describes, for the year—
    - (i) the accomplishments of the management entity;
    - (ii) the expenses and income of the management entity; and
    - (iii) each entity to which a grant was made;
  - (B) make available for audit by Congress, the Secretary, and appropriate units of government, all records pertaining to the expenditure of the funds and any matching funds; and
  - (C) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.
- (c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—
  - (1) FEDERAL FUNDS.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.
  - (2) OTHER FUNDS.—Notwithstanding paragraph (1), the management entity may acquire real property or an interest in real property using non-Federal funds.

**SEC. 307. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

- (a) TECHNICAL AND FINANCIAL ASSISTANCE.—
  - (1) IN GENERAL.—On the request of the management entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.
  - (2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—
    - (A) conserving the significant cultural, historic, and natural resources of the Heritage area; and
    - (B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.
  - (3) SPENDING ON NON-FEDERAL PROPERTY.—The management entity may expend Federal funds made available under this title on nonfederally owned property that is—
    - (A) identified in the management plan; or
    - (B) listed or eligible for listing on the National Register of Historic Places.
  - (4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.
- (b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—
  - (1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;
  - (2) consult with the management entity regarding the activity; and
  - (3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

**SEC. 308. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.**

- (a) LAND USE REGULATION.—
  - (1) IN GENERAL.—The management entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.
  - (2) EFFECT.—Nothing in this title—
    - (A) affects the authority of the State or local governments to regulate under law any use of land; or
    - (B) grants any power of zoning or land use to the management entity.
- (b) PRIVATE PROPERTY.—
  - (1) IN GENERAL.—The management entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.
  - (2) EFFECT.—Nothing in this title—
    - (A) abridges the rights of any person with regard to private property;

- (B) affects the authority of the State or local government regarding private property; or
- (C) imposes any additional burden on any property owner.

**SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

**SEC. 310. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

## **TITLE IV—GREAT BASIN NATIONAL HERITAGE AREA**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Great Basin National Heritage Area Act of 2002”.

**SEC. 402. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities in the Great Basin Heritage Area (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages in the Great Basin Heritage Area include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon and other religious settlements, ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located within the Heritage Area;

(6) the pioneer heritage of the Heritage Area includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Area dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Area contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Area is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Area includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Area includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the

Federal Government in the development, in cooperation with the Great Basin Heritage Area Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Area Partnership shall serve as the management entity for a Heritage Area established in the Great Basin.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this title, without managing or regulating land use.

#### SEC. 403. DEFINITIONS.

In this title:

(1) GREAT BASIN.—The term “Great Basin” means the North American Great Basin.

(2) HERITAGE AREA.—The term “Heritage Area” means the Great Basin National Heritage Area established by section 404(a).

(3) MANAGEMENT ENTITY.—The term “management entity” means the Great Basin Heritage Area Partnership established by section (404(c).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the management entity under section 406(a).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### SEC. 404. GREAT BASIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Area.

(b) COMPOSITION.—The Heritage Area shall include historical, cultural, natural, scenic, and recreational resources within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in Nye County, Nevada. The boundaries of the Heritage Area shall be specified in detail in the management plan developed in section 406.

(c) MANAGEMENT ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Area Partnership shall serve as the management entity for the Heritage Area.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Area Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Area.

#### SEC. 405. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this title, the Secretary, in consultation with the Governors of the States of Nevada and Utah, and each tribe participating in the Heritage Area, shall enter into a memorandum of understanding with the management entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Area, including—

(1) a description of the resources within the Heritage Area;

(2) a discussion of the goals and objectives of the Heritage Area, including—  
(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the management entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Area.

(c) **ADDITIONAL REQUIREMENTS.**—In developing the terms of the memorandum of understanding, the Secretary and the management entity shall—

- (1) provide opportunities for local participation; and
- (2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) **AMENDMENTS.**—

(1) **IN GENERAL.**—The Secretary shall review any amendments of the memorandum of understanding proposed by the management entity or the Governor of the State of Nevada or Utah.

(2) **USE OF FUNDS.**—Funds made available under this title shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

**SEC. 406. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this title, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Area that presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) **CONSIDERATIONS.**—In developing the management plan, the management entity shall—

- (1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Area, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this title;
- (2) identify sources of funding; and
- (3) include—

(A) an inventory of the archaeological, historical, cultural, natural, scenic, and recreational resources contained in the Heritage Area, including a list of public and tribal property that—

- (i) is related to the themes of the Heritage Area; and
- (ii) should be preserved, restored, managed, developed, or maintained because of the archaeological, historical, cultural, natural, scenic, and recreational significance of the property;

(B) a program for implementation of the management plan by the management entity, including—

- (i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and
- (ii) specific commitments by the identified partners referred to in section 405(b)(4) for the first 5 years of operation; and

(C) an interpretation plan for the Heritage Area; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) **FAILURE TO SUBMIT.**—If the management entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Area shall no longer qualify for Federal funding.

(d) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) **CRITERIA.**—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments within the Heritage Area;

(B) is consistent with and complements continued economic activity in the Heritage Area;

(C) has a high potential for effective partnership mechanisms;

(D) infringes on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan under subsection (d)(1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in section 406(d)(1), the management entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this title shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

#### SEC. 407. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), a tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the management entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and non-profit organizations in—

(i) establishing and maintaining interpretive exhibits in the Heritage Area;

(ii) developing recreational resources in the Heritage Area;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites in the Heritage Area; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Area;

(B) encourage economic viability and diversity in the Heritage Area in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest throughout the Heritage Area;

(2) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(3) conduct public meetings within the Heritage Area at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this title—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The management entity shall not regulate land use within the Heritage Area.

#### SEC. 408. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the management entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.



(2) **PRIORITY FOR ASSISTANCE.**—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Area; and

(B) providing education, interpretive, and recreational opportunities, consistent with those resources.

(b) **APPLICATION OF FEDERAL LAW.**—The establishment of the Heritage Area shall have no effect on the application of any Federal law to any property within the Heritage Area.

**SEC. 409. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.**

(a) **LAND USE REGULATION.**—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the management entity.

(b) **APPLICABILITY OF FEDERAL LAW.**—Nothing in this title—

(1) imposes on the Heritage Area, as a result of the designation of the Heritage Area, any regulation that is not applicable to the area within the Heritage area as of the date of enactment of this title; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Area solely as a result of the designation under this title.

**SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

**SEC. 411. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

## **TITLE V—NORTHERN RIO GRANDE NATIONAL HERITAGE AREA**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Northern Rio Grande National Heritage Area Act”.

**SEC. 502. CONGRESSIONAL FINDINGS.**

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern new Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

**SEC. 503. DEFINITIONS.**

As used in this title—

(1) the term “heritage area” means the Northern Rio Grande Heritage Area; and

(2) the term “Secretary” means the Secretary of the Interior.

**SEC. 504. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) **BOUNDARIES.**—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) **MANAGEMENT ENTITY.**—(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Española and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

**SEC. 506. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) **MANAGEMENT PLAN.**—(1) Not later than 3 years after the date of enactment of this title, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this title.

(4) If the management entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this title until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions to the plan.

(6) The management shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) **AUTHORITY.**—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) **DUTIES.**—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan; and

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this title, consistent with the management plan.

(d) **PROHIBITION ON ACQUIRING REAL PROPERTY.**—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

(e) **PUBLIC MEETINGS.**—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) **ANNUAL REPORTS AND AUDITS.**—(1) For any year in which the management entity receives Federal funds under this title, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

**SEC. 506. DUTIES OF THE SECRETARY.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) **PRIORITY.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

**SEC. 507. SAVINGS PROVISIONS.**

(a) **NO EFFECT ON PRIVATE PROPERTY.**—Nothing in this title shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) **TRIBAL LANDS.**—Nothing in this title shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) **AUTHORITY OF GOVERNMENTS.**—Nothing in this title shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) **TRUST RESPONSIBILITIES.**—Nothing in this title shall diminish the Federal government's trust responsibilities or government-to-government obligations to any Federally recognized Indian tribe.

**SEC. 508. SUNSET.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

**SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

## **TITLE VI—NATIONAL MORMON PIONEER HERITAGE AREA**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “National Mormon Pioneer Heritage Area Act.”.

**SEC. 602. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

- (A) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and
- (B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;
- (4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;
- (5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;
- (6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—
  - (A) interacted with Native Americans; and
  - (B) established towns and cities in a harsh, yet spectacular, natural environment;
- (7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;
- (8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and
- (9) the artisans, crafters, innkeepers, outfitters, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.
- (b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—
  - (1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;
  - (2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;
  - (3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and
  - (4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

#### SEC. 603. DEFINITIONS.

In this title:

- (1) ALLIANCE.—The term “Alliance” means the Utah Heritage Highway 89 Alliance.
- (2) BOARD.—The term “Board” means the Board of Directors of the Alliance.
- (3) HERITAGE AREA.—The term “Heritage Area” means the National Mormon Pioneer Heritage Area established by section 604(a).
- (4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the Board under section 606(a).
- (5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (6) STATE.—The term “State” means the State of Utah.

#### SEC. 604. NATIONAL MORMON PIONEER HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the National Mormon Pioneer Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State that are—

- (A) related to the corridors—
  - (i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;
  - (ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;
  - (iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and
  - (iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and
- (B) located in the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panguitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield,

Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The Alliance shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

**SEC. 605. DESIGNATION OF ALLIANCE AS MANAGEMENT ENTITY.**

(a) IN GENERAL.—The Alliance shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Alliance may receive amounts made available to carry out this title.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 606 within the time period specified in that section, the Alliance may not receive Federal funding under this title until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The Alliance may, for the purposes of developing and implementing the management plan, use Federal funds made available under this title—

(1) to make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Alliance may not use Federal funds received under this title to acquire real property or any interest in real property.

**SEC. 606. MANAGEMENT OF THE HERITAGE AREA.**

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date of enactment of this title, the Board, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans in effect on the date of enactment of this title;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a man-

- ner that is consistent with the support of appropriate and compatible economic viability;
- (iii) a program for implementation of the management plan, including plans for restoration and construction;
  - (iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;
  - (v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title; and
  - (vi) an interpretive plan for the Heritage Area.
- (3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—
- (A) IN GENERAL.—Not later than 180 days after submission of the management plan by the Board, the Secretary shall approve or disapprove the management plan.
  - (B) DISAPPROVAL AND REVISIONS.—
    - (i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—
      - (I) advise the Board, in writing, of the reasons for the disapproval; and
      - (II) make recommendations for revision of the management plan.
    - (ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the Board.
- (b) PRIORITIES.—The Alliance shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—
- (1) assisting units of government, regional planning organizations, and non-profit organizations in—
    - (A) conserving the historical, cultural, and natural resources of the Heritage Area;
    - (B) establishing maintaining interpretive exhibits in the Heritage Area;
    - (C) developing recreational opportunities in the Heritage Area;
    - (D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;
    - (E) restoring historic buildings that are—
      - (i) located within the boundaries of the Heritage Area; and
      - (ii) related to the theme of the Heritage Area; and
    - (F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and
  - (2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.
- (c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the Board shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.
- (d) PUBLIC MEETINGS.—The Board shall conduct public meetings at least annually regarding the implementation of the management plan.
- (e) ANNUAL REPORTS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with federal funds under section 605(c)(1) is outstanding, the Alliance shall submit to the Secretary an annual report that describes—
- (1) the accomplishments of the Alliance;
  - (2) the expenses and income of the Alliance; and
  - (3) the entities to which the Alliance made any loans or grants during the year for which the report is made.
- (f) COOPERATION WITH AUDITS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with federal funds under section 605(c)(1) is outstanding, the Alliance shall—
- (1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and
  - (2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.
- (g) DELEGATION.—
- (1) IN GENERAL.—The Alliance may delegate the responsibilities and actions under this section for each area identified in section 604(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the Alliance.

**SEC. 607 DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the Alliance; and

(B) the Alliance, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of the technical assistance or a grant to enact or modify any land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this title; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this section.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the Alliance with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

**SEC. 608 NO EFFECT ON LAND USE AUTHORITY AND PRIVATE PROPERTY.**

(a) NO EFFECT ON LAND USE AUTHORITY.—Nothing in this title modifies, enlarges, or diminishes any authority of Federal, State, or local government to regulate any use of land under any other law (including regulations).

(b) NO ZONING OR LAND USE POWERS.—Nothing in this title grants powers of zoning or land use control to the Alliance.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing this title affects or authorizes the Alliance to interfere with—

(1) the right of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State or a political subdivision of the State.

**SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds made available under this title shall not exceed 50 percent.

**SEC 610. TERMINATION OF AUTHORITY**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

## **TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR**

**SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

Section 10 of Public Law 99–647 (16 U.S.C. 461 note) is amended by striking subsection (b) and inserting the following:

“(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) for the period of fiscal years 2003 through 2007 and not more than \$5,000,000, to remain available until expended.”.

## PURPOSE

The purpose of H.R. 695, as ordered reported, is to designate six national heritage areas, including the Oil Region Heritage Area in Pennsylvania; Arabia Mountain National Heritage Area in Georgia; Freedom's Way National Heritage Area in Massachusetts and New Hampshire; Great Basin National Heritage Area in Utah and Nevada; Northern Rio Grande National Heritage Area in New Mexico; and the National Mormon Pioneer Heritage Area in Utah. H.R. 695 also authorizes additional appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

## BACKGROUND AND NEED

In recent years, there has been considerable interest across the Nation in the designation of national heritage areas, reflecting a need for Federal assistance to private, local and State efforts to preserve important areas commemorating our national heritage. As ordered reported, H.R. 695 would designate six new national heritage area and authorize additional appropriations for an existing national heritage corridor.

As passed by the House of Representatives, and as ordered reported by the Committee on Energy and Natural Resources, H.R. 695 would authorize the established of the Oil Region National Heritage Area in a part of northerwestern Pennsylvania that is significant in the history of worldwide oil exploration. The first successful oil well was drilled in this region in 1859 and fill-size replica of Edwin Drake's oil well can be seen today in Titusville. Other resources within the Oil Region that will be commemorated and preserved by the National Heritage Area include six national historic districts, 17 separate National Register sites, and the Allegheny River, a designated component of the national Wild and Scenic River System.

In addition, as ordered reported by the Committee on Energy and Natural Resources, title II of H.R. 695 would designate an area southeast of Atlanta as the Arabia Mountain National Heritage Area. There is a long and important history of local quarries in the numerous granite outcrops in this region. The heritage area would focus on these quarries and their history, as well as on nearby natural resources, including the Davidson-Arabia Nature Preserve, Panola Mountain State Conservation Park, and local trails and greenways. According to the Arabia Mountain National Heritage Area feasibility study, "the National Heritage Area would be a greenway system encompassing key natural sites and linking resources, from north to south and along the South River. The story and thematic focus will focus on the outstanding natural environment and unique granite monadnocks, explaining, the early settlement of the area, the development and decline of the quarry industry, and the recovery of the landscape."

Title III of H.R. 695 would establish Freedom's Way National Heritage Area in 36 Massachusetts communities and six New Hampshire communities. This heritage areas would commemorate three major characteristics of this region. First, the heritage area would memorialize and protect the varied geological features of the land, native settlements and archaeological sites. A second compo-



nent of the heritage area would center on the settlers themselves and the rise of town centers, the surrounding farms and the birth of Northern capitalism. Third, the area would commemorate the beginnings of democracy in this area of the country, which can be traced back to the seventeenth century in some of the communities in this region.

Title IV of H.R. 695 would designate the Great Basin National Heritage Area in Nevada and Utah. The geography of the Great Basin contains long natural vistas, isolated high desert valleys and mountain ranges, mining districts, historic railroads, archaeological sites and tribal communities. Following thousands of years of Native American habitation, this area was settled by Mormon and other religious pioneers, followed by Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic immigrants. The Great Basin also was one of the areas used for internment camps for Japanese-American citizens during World War II, one of which, Topaz, was located within the proposed heritage area. Pony Express routes and stations and the Overland Stage are also located within this heritage area. Finally, it is also home to many biologically diverse ecological communities, including bristlecone pines, the oldest living trees in the world.

Title V of H.R. 695 would establish the Northern Rio Grande National Heritage Area in northern New Mexico along the Rio Grande River. This area includes the cities of Taos and Santa Fe and the community of San Juan Pueblo. The rich history of this region predates Spanish settlement in 1598—the Taos Pueblo has been continuously inhabited for over one thousand years. The Nation's oldest church and first Spanish Mission can be found in Santa Fe and the San Juan Pueblo, respectively. The heritage area would commemorate the important intertwined history of the pueblos and Spanish settlement in this region.

Title VI of the bill designates the National Mormon Pioneer Heritage Area in six counties within southern Utah. This heritage area commemorates Mormon colonization dating back to the mid 1800's, which played a significant role in the history of the development and settlement of the Western United States. The heritage area will tell the story of Mormon ranching, farming, mining, and interaction with Native Americans—a record of the struggles of settling an unknown region as well as federal public land policies in the West.

Title VII of H.R. 695 would authorize an additional \$5 million for the John H. Chafee Blackstone River Valley National Heritage Corridor, which was established in 1986. The Blackstone River, gracefully winding through 24 communities in the States of Massachusetts and Rhode Island, served as the birthplace of the American Industrial Revolution. Slater Mill, founded in the 1790's by Samuel Slater, was the first to adapt English machine technology for cotton-yard manufacturing, using the power of water wheels. The success of Slater Mill brought factory-based mass production to this country, which had profound economic and social consequences for the nation. The increase in the authorization of appropriations for the existing National Heritage Corridor will help commemorate this part of American History.

## LEGISLATIVE HISTORY

H.R. 695, establishing the Oil Region National Heritage Area, was introduced by Representative Peterson on January 3, 2001. The House of Representatives passed H.R. 695 by voice vote on September 10, 2001. Companion legislation, S. 1441, was introduced by Senators Santorum and Specter on September 20, 2001. S. 1526, establishing the Arabia Mountain National Heritage Area, was introduced by Senator Cleland on October 10, 2001. A similar measure, S. 679 was also introduced by Senator Cleland on April 3, 2001 and referred to the Committee. Companion measures were also introduced—H.R. 1621, introduced by Representative McKinney on April 26, 2001 was the companion to S. 679, and H.R. 3237, the companion to S. 1526 was introduced by Representatives McKinney, Linder Lewis (Georgia) and Bonior on November 6, 2001. S. 1939, establishing the Great Basin National Heritage Area, was introduced by Senators Reid, Bennett, Hatch and Ensign on February 13, 2002. A companion measure, H.R. 4934, was introduced by Representative Gibbons on June 13, 2002. S. 2033, authorizing appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor, was introduced by Senators Chafee, Reed, Kerry and Kennedy on March 19, 2002. A companion measure, H.R. 4004, was introduced by Representatives Kennedy of Rhode Island, Langevin, McGovern, and Neal of Massachusetts on March 19, 2002. The Subcommittee on National Parks held a hearing on all of these bills on April 18, 2002.

S. 1925, establishing the Freedom's Way National Heritage Area, was introduced by Senator Kerry on February 8, 2002. The bill is cosponsored by Senator Kennedy and Senator Gregg. A companion measure, H.R. 1027, was introduced by Representatives Olver, Meehan, Tierney, McGovern, Bass, and Markey on March 14, 2001. S. 2196, establishing the Mormon Pioneer National Heritage Area, was introduced by Senator Bennett on April 18, 2002. S. 2576, establishing the Northern Rio Grande National Heritage Area, was introduced by Senator Bingaman on June 4, 2002. A companion measure, H.R. 5239, was introduced on July 25, 2002 by Representative Udall. The Subcommittee on National Parks held a hearing on these bills on June 20, 2002.

The Committee on Energy and Natural Resources ordered H.R. 695 favorably reported, as amended, on July 31, 2002.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 695, if amended as described herein.

## COMMITTEE AMENDMENT

During the consideration of H.R. 695 the Committee adopted an amendment in the nature of a substitute which consolidates seven heritage bills into a single omnibus heritage area bill. The seven heritage areas included within H.R. 695 are: the Oil Region National Heritage Area, which was included in H.R. 695 as passed by the House of Representatives; the Arabia Mountain National Heritage Area (S. 1526); the Freedom's Way National Heritage Area (S.

1925); the Great Basin National Heritage Area (S. 1939); the Northern Rio Grande National Heritage Area (S. 2576); the National Mormon Pioneer Heritage Area (S. 2196); and the John H. Chafee Blackstone River Valley National Heritage Corridor (S. 2033).

The substitute amendment also made several clarifying and conforming changes to the bill to make the authorizations for all of the heritage areas more consistent. In addition, the authorization for additional appropriations at the John H. Chafee Blackstone River Valley National Heritage Corridor was reduced from \$10 million to \$5 million over the fiscal year 2003 through fiscal year 2007 period.

The amendment is described in detail in the section-by-section analysis, below.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* entitles the bill the “Omnibus National Heritage Area Act of 2002.”

*Section 2* lists the table of contents.

#### TITLE I—OIL REGION NATIONAL HERITAGE AREA

*Section 101* defines key terms.

*Section 102* sets forth the findings and purpose.

*Section 103* establishes the Oil Region National Heritage Area as depicted on the referenced map. A nonprofit management corporation, Oil Heritage Region, Inc., shall be designated the management entity and shall oversee the development of a management plan for the heritage area.

*Section 104* directs the Secretary of the Interior to enter into a memorandum of understanding with the management entity. The memorandum of understanding shall include the goals and objectives for management of the area and the proposed approach to the conservation, interpretation and protection of the resources of the Heritage Area.

*Section 105* (a) provides the management entity with the ability to use funds for preparing, updating and implementing the management plan. The funds may be used for making grants, entering into cooperative agreements, hiring and compensating staff and undertaking initiatives that advance the Heritage Area.

Subsection (b) requires the management entity to prepare a management plan for the heritage area and sets forth the elements of the plan.

Subsection (c) requires the management entity to submit the management plan within two years after funds are made available for the title. If the management plan is not submitted within the required time frame, the management entity will no longer qualify for Federal assistance.

Subsection (d) establishes the duties of the management entity.

Subsection (e) states that Federal funds may not be used by the management entity to acquire real property or an interest in real property.

*Section 106* sets forth the duties and authorities of the Secretary. Subsection (a) authorizes technical and financial assistance to the management entity on a reimbursable or a non-reimbursable basis.

Subsection (b) requires the Secretary, in consultation with the Governor of Pennsylvania, to approve or disapprove the management plan within ninety days of receipt of the plan and sets forth the criteria for review.

Subsection (c) provides the management entity with the opportunity to make recommended changes to the management plan, if it is disapproved, in order to receive approval.

Subsection (d) provides that the Secretary will review and approve all significant changes to the original management plan. Funds may not be used to implement changes until such time as the changes are approved by the Secretary.

*Section 107* sets forth the duties of other Federal entities.

*Section 108* states that nothing in this title shall preclude the management entity from using Federal funds available under Acts.

*Section 109* authorizes to be appropriated \$10,000,000 to carry out this title with no more than \$1,000,000 authorized to be appropriated in any given fiscal year. The Federal share may not exceed 50 percent of the total cost of any activity.

*Section 110* terminates the authority of the Secretary to assist the management entity 15 years after the date of enactment.

#### TITLE II—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

*Section 201* entitles this title the “Arabia Mountain National Heritage Area Act of 2002.”

*Section 202* sets forth findings and purposes.

*Section 203* defines key terms.

*Section 204* establishes the Arabia Mountain National Heritage Area. The Arabia Mountain Heritage Area Alliance is designated as the management entity for the heritage area.

*Section 205* establishes the authorities and duties of management entity.

*Section 206* sets forth requirements for development and approval of the management plan and is self-explanatory.

*Section 207* states that the Secretary of the Interior may provide technical and financial assistance upon request by the management entity for the development and implementation of the management plan. Priority will be given to actions that facilitate conservation of significant resources and for opportunities consistent with the resources and values of the heritage area.

*Section 208* states that the title does not impose additional occupational, safety, conservation or environmental regulations on the heritage area. In addition, land use authority is not affected by the title and the management entity will not have zoning or land use power.

*Section 209* authorizes \$10,000,000 to be appropriated to carry out this title, with no more than \$1,000,000 authorized to be appropriated in any given fiscal year. The Federal share may not exceed 50 percent of the total cost to any given activity.

*Section 210* terminates the authority of the Secretary to assist the management entity 15 years after the date of enactment.

#### TITLE III—FREEDOM’S WAY NATIONAL HERITAGE AREA

*Section 301* entitles this title as the “Freedom’s Way National Heritage Area Act.”

*Section 302* sets forth congressional findings and purposes.

*Section 303* defines key terms.

*Section 304* establishes the Freedom's Way National Heritage Area with boundaries as depicted on the referenced map. The Freedom's Way Heritage Association, Inc. will serve as the management entity.

*Section 305* sets forth requirements for development, approval, and amendment of the management plan and are self-explanatory.

*Section 306* establishes the authorities and duties of the management entity.

*Section 307* states that the Secretary of the Interior may provide technical and financial assistance upon request by the management entity, for the development and implementation of the management plan. Priority will be given to actions that facilitate conservation of significant resources and for opportunities consistent with the resources of the heritage area.

*Section 308* states that the management entity shall work with all governments and organizations involved in the heritage area to protect the resources of the heritage area. This title does not affect State or local government authority in land use regulation, nor does it provide the management entity with the zoning or land use authority. Private property rights are not affected, and nothing in the title imposes any additional burden on any property owner.

*Section 309* authorizes to be appropriated \$10,000,000 to carry out this title, with no more than \$1,000,000 authorized to be appropriated in any given fiscal year. The Federal share may not exceed 50 percent of the total cost of any given activity.

*Section 310* terminates the authority of the Secretary to assist the management entity 15 years after the date of enactment.

#### TITLE IV—GREAT BASIN NATIONAL HERITAGE AREA

*Section 401* entitles this title the "Great Basin National Heritage Area Act of 2002."

*Section 402* sets forth congressional findings and purposes.

*Section 403* defines key terms.

*Section 404* establishes the Great Basin National Heritage Area, consisting of the historical, cultural, natural, scenic and recreational resources found in White Pine County, Nevada, Millard County, Utah and the Duckwater Shoshone Reservation in Nye County, Nevada. The Great Basin Heritage Area Partnership is designated as the management entity and governed by a board of directors consisting of members from the counties involved and each Native American Tribe participating in the Heritage Area.

*Section 405* directs the Secretary of the Interior, in consultation with the Governors of the States of Nevada and Utah and each participating tribe, and following opportunities for local participation, to enter into a memorandum of understanding with the management entity. The memorandum of understanding will provide the objectives for the management of the heritage area.

*Section 406* provides for the development, approval, and amendment of the management plan and is self-explanatory.

*Section 407* sets forth the authority and duties of management entity and is self-explanatory.

*Section 408* authorizes the Secretary of the Interior to provide technical and financial assistance upon request by the management entity, for the development and implementation of the management

plan. Priority will be given to actions that facilitate conservation of significant resources and for opportunities consistent with the resources of the heritage area. The establishment of the Heritage Area shall have no effect on the application of any Federal law to any property within the heritage area.

*Section 409* describes land use regulations and the applicability of Federal law and is self-explanatory.

*Section 410* authorizes to be appropriated \$10,000,000 to carry out this title, with no more than \$1,000,000 authorized to be appropriated in any given fiscal year. The Federal share may not exceed 50 percent of the total cost of any given activity.

*Section 411* terminates the authority of the Secretary to assist the management entity 15 years after the date of enactment.

#### TITLE V—NOTHERN RIO GRANDE NATIONAL HERITAGE AREA

*Section 501* entitles this title the “Northern Rio Grande National Heritage Area Act.”

*Section 502* sets forth congressional findings.

*Section 503* defines key terms.

*Section 504* establishes the Northern Rio Grande National Heritage Area encompassing the counties of Santa Fe, Rio Arriba, and Taos. The Northern Rio Grande National Heritage Area, Inc. shall be designated as the management entity and a Board of Directors for the management entity shall be established, including representatives of designated parties.

*Section 505* sets forth the authorities and duties of management entity.

*Section 506* states that the Secretary of the Interior may provide technical and financial assistance upon request by the management entity for the development and implementation of the management plan. Priority will be given to actions that facilitate conservation of significant resources and for opportunities consistent with the resources of the heritage area.

*Section 507* states that this section does not affect in any way any authority of any government to regulate the use of private lands within the heritage area or grant the management entity authority to regulate privately owned lands or affect the Federal Government’s trust responsibilities and the government-to-government obligations to any federally recognized Indian tribes.

*Section 508* terminates the authority to assist the management entity 15 years after the date of enactment.

*Section 509* authorizes to be appropriated \$10,000,000 to carry out this title, with no more than \$1,000,000 authorized to be appropriated in any given fiscal year. The Federal share may not exceed 50 percent of the total costs of any given activity.

#### TITLE VI—NATIONAL MORMON PIONEER HERITAGE AREA

*Section 601* entitles the title the “National Mormon Pioneer Heritage Area Act.”

*Section 602* sets forth congressional findings and purposes.

*Section 603* defines key terms.

*Section 604* establishes the National Mormon Pioneer Heritage Area and designates the boundaries of the heritage area. The Secretary of the Interior shall prepare and maintain on file a map of the area and require that all governments with jurisdiction over

property within the heritage area be notified of potential inclusion in the heritage area.

*Section 605* designates the Utah Heritage Highway 89 Alliance as the management entity and authorizes it to receive funds on behalf of the heritage area. This section also prohibits the management entity from continuing to receive Federal funds if the management plan is not submitted within three years, and authorizes the use of the Federal funds on behalf of the management entity. The section prohibits the Alliance from using federal funds to purchase real property or any interest in real property.

*Section 606* provides for the development, approval and amendment of the management plan for the Heritage Area and is self-explanatory.

*Section 607* sets forth the duties and authorities of Federal agencies and is self-explanatory.

*Section 608* states that the establishment of the heritage area will have no effect on the authority of any government to regulate land use; no zoning or land use control will be given to the management entity; and the Alliance is not authorized to interfere with local zoning or land use authorities or private property rights.

*Section 609* authorizes to be appropriated \$10,000,000 to carry out this title, with no more than \$1,000,000 authorized to be appropriated in any given fiscal year. The Federal share may not exceed 50 percent of the total cost of any given activity.

*Section 610* terminates the authority of the secretary to assist the management entity 15 years after the date of enactment.

#### TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

*Section 701* amends section 10 of Public Law 99-647 (16 U.S.C. 461 note) by striking subsection (b) and inserting new text authorizing no more than \$5,000,000 to carry out section 8(c), for the period of fiscal years 2003 through 2007.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 9, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 695, the Omnibus National Heritage Area Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 695—Omnibus National Heritage Area Act of 2002*

Summary: H.R. 695 would establish six national heritage areas (NHA), which are nonfederal lands and communities managed privately in conjunction with the National Park System. The bill would authorize the appropriation of \$10 million for each NHA over the next 15 years. Each of the six NHAs would be managed by a specified nonprofit organization under a cooperative agreement with the National Park Service (NPS), which would provide financial and technical assistance to develop and implement management plans. In addition, the bill would authorize the appropriation of \$5 million over the 2003–2007 period for development of the John H. Chafee Blackstone River Valley National Heritage Area in Rhode Island, and NPS affiliated area.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 695 would cost the federal government about \$7 million in 2003 and \$35 million over the 2003–2007 period. (We estimate that the remaining \$30 million authorized would be appropriated and spent after 2007.) The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 695 contains no intergovernmental or private-sector mandates as defined under the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, and tribal governments.

Estimated cost to the Federal Government: H.R. 695 would establish the following national heritage areas:

- Oil Region NHA in Pennsylvania;
- Arabia Mountain NHA in Georgia;
- Freedom's Way NHA in Massachusetts and New Hampshire;
- Great Basin NHA in Nevada and Utah;
- Northern Rio Grande NHA in New Mexico; and
- National Mormon Pioneer NHA in Utah.

The estimated cost of creating and developing the six NHAs and developing the John H. Chafee Blackstone River Valley National Heritage Corridor is summarized in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
Estimated Authorization Level .....	7	7	7	7	7
Estimated Outlays .....	7	7	7	7	7

Basis of estimate: For this estimate, CBO assumes that \$1 million, the maximum annual funding authorized by the bill, will be appropriated for each of the six proposed heritage areas annually over the next 10 years. Such funds would be used for preparing and implementing management plans to conserve and develop each area's natural, cultural and historical resources. We further assume that \$1 million of the \$5 million authorized to be appropriated for the John H. Chafee Blackstone River Valley National Heritage Corridor will be appropriated for each year through 2007. Outlays are based on historic spending patterns for other NHAs and similar areas affiliated with National Park System.



Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 695 contains no intergovernmental or private-sector mandates as defined under UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On July 3, 2001, CBO prepared a cost estimate for H.R. 695 as ordered reported by the House Committee on Resources on June 23, 2001. The House version of the legislation would establish only the Oil Region National Heritage Area, while the Senate version would establish five others as well as Oil Region. The Senate version also would authorize the appropriation of \$5 million for the John H. Chafee Blackstone River Valley National Heritage Corridor. The CBO cost estimates reflect these differences.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 695. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 695, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On July 30, 2002 the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 695 some of these reports had not been received at the time the report on H.R. 695 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The legislative reports received by the Committee for S. 1526 (Arabia Mountain National Heritage Area), S. 1925 (Freedom's Way National Heritage Area), S. 2033 (John H. Chafee Blackstone River Valley National Heritage Corridor), S. 2196 (National Mormon Pioneer Heritage Area), and S. 2576 (Northern Rio Grande National Heritage Area) follow, as well as the testimony provided by the Park Service at the Subcommittee hearing on H.R. 695 (Oil Region National Heritage Area) and S. 1939 (Great Basin National Heritage Area) are set forth below:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 16, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on S. 1526, to establish the Arabia Mountain National Heritage Area in the State of Georgia.

The Department recognizes the appropriateness of designating the Arabia Mountain National Heritage Area, as the area has the characteristics necessary to be established as a national heritage area and the potential to meet the expectations of the National Park Service's national heritage area program. To meet the President's Initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System. Therefore, we recommend that the committee defer action on S. 1526 during the remainder of the 107th Congress. While designation of the heritage area will not result in additional acquisition or capital costs, the authorization provides for up to \$1 million per year in grant assistance costs not to exceed \$10 million through September 30, 2016.

The proposed Arabia Mountain National Heritage Area would include parts of Dekalb, Rockdale, and Henry Counties that lie within the eastern side of the Atlanta metropolitan area. The heritage area would encompass the Davidson-Arabia Mountain Nature Preserve, the city of Lithonia, the Panola Mountain State conservation Park, portions of the South River, and several active granite quarries.

The Arabia Mountain area, which is known primarily for its granite quarries, is rich in natural, cultural, and historic resources. Arabia Mountain and other nearby prominent granite formations have been linked to human settlement and activity for thousands of years, starting over 7,000 years ago with the quarrying and trading of soapstone. The area contains specific types of granite outcroppings that are very rare and do not occur anywhere outside the Piedmont Region. Granite from this area has been quarried and used around the nation, including in buildings at the military academies at West Point and Annapolis.

The area retains an open and small-scale character, in contrast to the more intensively developed areas closer in to the city of Atlanta. The rapid growth of the metropolitan area in recent years has prompted a recognition among those involved in this proposal that there may be only a narrow window of opportunity to retain open lands and protect important resources before land costs and economics of development make such efforts much more difficult. The local governmental entities in the proposed national heritage area and the State of Georgia support national heritage area designation for this area.

S. 1526 would establish the Arabia Mountain National Heritage Area within the boundary defined by the map developed for the feasibility study for the heritage area. The legislation would name the Arabia Mountain Heritage Area Alliance as the management entity for the heritage area and provide for the Secretary of the Interior and the Alliance to carry out the legislation through a coop-

erative agreement. Provisions of the bill regarding the authority and duties of the management entity, the development of a management plan, and Federal technical and financial assistance that would be available to the heritage area are similar to provisions that have been included in legislation designating other heritage areas in recent years.

National heritage area are places where natural, cultural, historic, and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity shaped by geography. Heritage conservation efforts are grounded in a community's pride in its history and traditions, and its interest in seeing them retained. The areas are designed to protect large, regional landscapes and resources that tell the story of its residents. They are best managed by entities with broad community representation and the ability to foster partnerships throughout the region.

In the view of the National Park Service, there are four critical steps that need to be completed before Congress establishes a national heritage area. These steps are: the completion of a suitability/feasibility study; public involvement in the suitability/feasibility study; a demonstration of widespread public support among heritage area residents for the proposed designation; and commitment to the proposal from the appropriate players which may include governments, industry, and private non-profit organizations, in addition to the local citizenry.

The National Park Service believes that those criteria have been fulfilled through the work that was done by the Arabia Mountain Heritage Area Alliance and other entities, including the National Park Service, in conducting the feasibility study that was issued in February, 2001. The work that has been done by the Arabia Mountain Heritage Area Alliance and its many partners in recent years has served to confirm our view that this area would be an appropriate candidate for designation as a national heritage area, once sufficient progress has been made in addressing the backlog of deferred maintenance in the National Park System.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,  
*Assistant Secretary for Fish and Wildlife and Parks.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 1, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter sets forth the Department's views on S. 1925, a bill to establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and the State of New Hampshire.

While the Department recognizes the appropriateness of designating the Freedom's Way National Heritage Area, we recommend that the Committee defer action on S. 1925 during the remainder

of the 107th Congress. To meet the President's initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System. While designation of the heritage area will not result in additional acquisition or capital costs, the authorization provides for up to \$1 million per year in grant assistance costs not to exceed \$10 million over the 15-year period after the date of the bill's enactment.

The proposed Freedom's Way National Heritage Area includes 36 Massachusetts and 6 New Hampshire communities northwest of Boston. It includes the Minute Man National Historical Park, the Oxbow and Great Meadows National Wildlife Refuges, the Concord, Assabet and Sudbury Wild and Scenic Rivers, as well as National Historic Landmarks and Districts, and many sites listed on the National Register of Historic Places.

This is a region that substantively influenced our democratic forms of governance and the development of intellectual traditions that underpin the concepts of American freedom, democracy, conservation, social justice, and ethnic diversity. Historically prominent leaders in literature and intellectual thought found the region to be a source of inspiration including Henry David Thoreau, Ralph Waldo Emerson, Nathaniel Hawthorne and Louisa May Alcott. It was also the locale for expressions of religious freedom and social experimentation with the settlements of the Shakers, Millerites and Transcendentalists. Its natural and community resources are exceptional examples of the rural beauty of the New England landscape. The events that occurred here during the American Revolution include the ride of Paul Revere and the engagements at Lexington and Concord, which are known to virtually every elementary school child in the nation.

The concept of a Freedom's Way National Heritage Area was defined in a feasibility study undertaken by the proposed management entity, the Freedom's Way Heritage Association, Inc. Priorities outlined in this study speak to linkages through education and preservation of the region's nationally distinctive natural and cultural resources through partnerships. The region has a strong partnership base among its many cultural institutions, businesses, non-profit organizations, local governments, and citizens. The governors of both states have endorsed the designation.

In the opinion of the National Park Service there are four critical steps that need to be taken and documented prior to the Congress designating a heritage area. The stages are: a completion of a suitability/feasibility study; the public involvement in the suitability/feasibility study; gather a demonstration of widespread public support among heritage area residents for the proposed designation; and a commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

The National Park Service reviewed the national heritage area feasibility study undertaken by the proposed management entity in July 1997. Since it did not fully address the interim national heritage area criteria, representatives of our Northeast Region conducted field reconnaissance visits in November 2000. Based on the findings of the reconnaissance team, the Freedom's Way Heritage Association submitted an addendum in April 2001 to the 1997

Freedom's Way National Heritage Area Feasibility Study entitled "The Proposed Freedom's Way National Heritage Area and Compliance with the National Park Service Interim Criteria for National Heritage Area Designation." The Service has evaluated that addendum, as well as the original feasibility study, and finds that the criteria have been fully addressed and met. We believe that the management entity will have an opportunity during the development of a heritage area management plan to refine the many available themes for the heritage area so that a more selective and cohesive vision of the region and its rich assemblage of natural and cultural resources may be achieved.

We also note that Section 4(b)(1) of the bill does not contain a map reference number and does not require that a copy of the map be available at the appropriate offices of the National Park Service. Should the committee decide to take further action on this bill, we would be willing to work with the committee on the appropriate language for this section of the bill.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,  
*Assistant Secretary for Fish and Wildlife and Parks.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 16, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on S. 2033, a bill to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor. S. 2033 provides for an authorization of \$10 million in development funds to the Secretary for 4 years. The legislation would provide authority to the Secretary to make matching grants through Fiscal Year 2006, and encourage the implementation of the remaining portions of the Cultural Heritage and Land Management Plan, as approved by the Secretary in 1998. The funds would be available until expended.

The Department would support this legislation if amended to authorize not more than \$5 million, available for fiscal years 2003 through 2007, of which not more than \$1 million may be used any fiscal year. This amendment would bring the funding language of the underlying Act in line with the appropriations authorization language for other National Heritage Areas and Corridors and, as noted below, would fulfill the commitment to the 1988 management plan. Moreover the amendment would forestall the expectation of additional funding for other National Heritage Areas and Corridors. Additionally, we believe that the \$5 million increase is reasonable within the larger context of the Department's commitment to the President's Initiative to eliminate the deferred maintenance backlog.

The Blackstone River Valley National Heritage Corridor was one of the first National Heritage Areas when Congress established it in 1986. Public Law 99-647 established the Blackstone Corridor to preserve and interpret, for the educational and inspirational benefit of future generations, the unique and significant contributions to our national heritage of historic and cultural lands, waterways and structures within the Blackstone River Valley in Massachusetts and Rhode Island. A Federal Commission was established to develop and implement an integrated resource management plan for the Heritage Corridor. Under current law, the term of the Heritage Corridor Commission expires in 2006, while the federal designation of the area and its boundaries continues in perpetuity.

In 1996, Congress, pursuant to Public Law 104-333, extended the life of the National Heritage Corridor Commission until November 12, 2006. Because the plan for the Heritage Corridor had not been revised and approved, Congress only authorized preliminary funding of \$5 million in development funds for 3 years. The Secretary did not sign the management plan until 1998 and Congress again authorized \$5 million in development funds for an additional 2 years. To date the Heritage Corridor has received \$5.7 million dollars under these two authorizations for development funds. S. 2033 in effect would authorize development funds for the remaining 4 years of the term of the Commission and for the remaining commitment to the Cultural Heritage and Land Management Plan.

The John H. Chafee Blackstone River Valley National Heritage Corridor has special value to the National Park Service, as well as to the nation. With almost 15 years of experience behind it, the John H. Chafee Blackstone River Valley National Heritage Corridor has been the model of a successful partnership between the federal government, state and local government, and partner organizations. The unique qualities of the Heritage Corridor is exemplified by the fact that there are permanent park staff assigned to the area. Matching grants from the Secretary permit the Heritage Corridor Commission and the Secretary to provide seed funding to allow important resources to be protected and interpreted.

Traditionally Congress would have addressed the nationally significant resources of the Blackstone Valley by establishing a unit of the National Park System. The area, with well over 10,000 historic structures and over 40 historic New England villages is nationally significant as the birthplace of the American Industrial Revolution. Rather than one town or one factory, the Blackstone River Valley contained hundreds of historic factories and farms making it the first area in the nation to make widespread use of waterpower.

A multi-agency partnership with emphasis in the interpretation of a cultural landscape rather than federal ownership and regulation, was considered the more appropriate protection strategy for such a large area where people continue to live and work. The Blackstone Valley exemplifies a seamless system of local, state and federal efforts where people are working on a regional scale to maintain historical integrity by developing integrated protection and economic development strategies to enhance their quality of life and the quality of resources. As one of the first National Heritage Areas established, the Heritage Corridor has become a model

of how the National Park Service can work cooperatively with partners to achieve resource protection and public support. By comparison to the significant management expense of national parks in the Northeast, the Heritage Corridor demonstrates what can be achieved with modest investment, and a small but enthusiastic team of NPS professionals on the ground. Land ownership and operations of the area remain with the non-federal partners and the NPS assists with interpretation and planning.

The Heritage Corridor has been so successful in leveraging hundreds of millions of dollars toward projects that enhance the cultural and natural resources that Congress recognized the late Senator Chafee and his dedication and hard work in establishing the Heritage Corridor, by renaming it the John H. Chafee Blackstone Valley National Heritage Corridor. Of all his notable activities, as a U.S. Marine, as Secretary of the Navy, as Governor of Rhode Island, and as United States Senator, his wife, Mrs. Virginia Chafee, said most of all it would have been his wish for this Heritage Corridor to carry his name.

The 1998 plan has four core commitments totaling \$15 million: (1) shaping a visitor experience that engages people in the understanding of the American Industrial Revolution; (2) preserving and enhancing the communities of the Blackstone Valley; (3) balancing conservation and growth that allows for the preservation of cultural and natural resources while encouraging economic growth; and (4) a commitment to improving the health of the Blackstone River and its watershed. The proposed \$5 million increase in authorization to the Secretary for development funds would fulfill the commitment to the 1998 management plan.

Having received a total of \$10.7 million in construction funds in the last ten years, which includes funds previously authorized as development and demonstration funds, the Commission is well on its way to achieving the commitments of the management plan. Several examples of how the heritage partnership formula has worked include the following:

Blackstone Valley Visitor Center/Slater Mill Historic Site: A \$5.4 million historic development, with Heritage Corridor funding of approximately \$800,000.

Museum of Work and Culture: an abandoned mill building located in the center of the City of Woonsocket, total cost \$2.9 million, with Heritage Corridor funding of approximately \$500,000.

River Bend Farm Interpretive Center: A diary farm in Worcester County, MA restored as an interpretive center and outdoor recreation center, total cost of project \$468,000, with Heritage Corridor funding of approximately \$143,000.

The Blackstone Riverway: A major restoration project providing for recreation, riverfront development, and restored water quality, total cost approximately \$180 million, with Heritage Corridor funding of approximately \$1.2 million.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,  
*Assistant Secretary for Fish and Wildlife and Parks.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 1, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on S. 2196, a bill to authorize the establishment of the National Mormon Pioneer Heritage Area in the State of Utah.

While the Department recognizes the appropriateness of designating the National Mormon Pioneer Heritage Area, we recommend that the Committee defer action on S. 2196 during the remainder of the 107th Congress. To meet the President's initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System. While designation of the heritage area will not result in additional acquisition or capital costs, the authorization provides for up to \$1 million per year in grant assistance costs not to exceed \$10 million through the fiscal year 2020.

S. 2196 would establish the National Mormon Pioneer Heritage Area along the Highway 89 corridor and other specified highways passing through Utah's Kane, Garfield, Piute, Sevier, Wayne and Sanpete Counties. The bill designates the Utah Heritage Highway 89 Alliance as the management entity for the heritage area. The Alliance is the heritage arm of the Panoramaland Resource Conservation and Development Council, which is registered with the IRS as a 501(c)3 non-profit organization. The bill also authorizes the development of a management plan for the heritage area. If the plan is not submitted within three years, the heritage area becomes ineligible for federal funding until a plan is submitted to the Secretary. Additionally, S. 2196 outlines the duties of the management entity and prohibits the use of federal funds to acquire real property or interests in real property. The Secretary would be authorized to provide technical and financial assistance to develop and implement the management plan.

The proposed National Mormon Pioneer Heritage Area would help to tell the nationally significant story of the settlement of a large portion of the western United States by members of the Church of Jesus Christ of Latter Day Saints. The proposed area contains the best remaining examples of a series of small agricultural communities that were typical of this Mormon colonization.

The settlement story builds on the story of Mormon emigration, which is preserved by the Mormon Pioneer National Historic Trail. The National Mormon Pioneer Heritage Area would help complete this story by speaking to the hardships faced by these pioneers in creating communities in this rugged landscape and the unique pattern of settlement that at one time encompassed a major portion of the western United States.

In addition to this primary theme, the proposed Mormon Pioneer National Heritage Area has numerous additional themes and assets. Native Americans occupied the area prior to Mormon settlement and the story of the three-way conflict between the Mormon settlers, Native Americans and the United States Army is a fas-



cinating chapter in United States history. There is also extensive evidence of prehistoric inhabitants in the area.

The proposed heritage area is set in a dramatic and diverse natural landscape, encompassing everything from the red sandstone country to beautiful valleys to high alpine country. Recreational opportunities are plentiful; the area provides linkages to three National Parks, three National Monuments, eight State Parks, three National Forests, and many miles of Scenic Byways and Backways. The area is also unique because of the collection of artisans, craftspeople, innkeepers, outfitters, museums and tour operators that are already telling the story of the area's heritage.

The National Park Service has defined a National Heritage Area as a place where natural, cultural, historic and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity. Heritage conservation efforts are grounded in a community's pride and interest in its history and traditions. Preserving the integrity of the cultural landscape and local stories means that future generations will be able to understand and define who they are, where they come from, and what ties them to their home. Thus, through the designation of the National Mormon Pioneer Heritage Area, communities of the region would be better able to understand their rich and complex heritage as well as share it with visitors to the region.

As we have previously testified, there are several steps the National Park service believes should be taken prior to Congress designating a national heritage area to help ensure that the heritage area is successful. The steps are: a completion of a suitability/feasibility study; the public involvement in the suitability/feasibility study; gather a demonstration of widespread public support among heritage area residents for the proposed designation; and a commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

We believe that studies that have been completed or are underway meet the intent of these criterion. The proposed establishment is based on many years of work conducted by various local community organizations in Utah.

A Utah State University study, completed this year, documented the extensive heritage, recreational and educational resources within the area. It supports the designation of the area as a heritage area. It would also serve as an excellent foundation for the management plan for the heritage area, for it identifies significant resources and provides preliminary suggestions on how to improve and protect the resources of the region. Numerous additional studies have been done to evaluate the historical resources of the area, for the communities included in the proposed heritage area contain six National Historic Districts and over 4,000 buildings that are either on or have the potential to be listed on the National Register of Historic Places.

The Utah Heritage Highway 89 Alliance is governed by a board that has members from each of the six counties involved representing artists, craftspeople, heritage-related business owners, innkeepers, restaurateurs, tour operators and outfitters, county extension agents, local government representatives, county economic development directors, and organizations such as Chambers of

Commerce and Main street. This broad-based organization is representative of the strong local political support for heritage preservation and the creation of the proposed National Heritage Area. We understand that the mayors of all the communities and each of the six county commissions are supporting the proposed heritage area.

A number of Federal agencies, including prominently the Bureau of Land Management (BLM), are major land managers within the area covered by this legislation. For example, the BLM is the predominant Federal land manager in the southern portion of the proposed National Heritage Area which includes portions of the Grand Staircase-Escalante National Monument, several visitor contact stations, and important historic and scenic sites. We believe that the legislation should allow for the participation of all Federal partners, along with state, tribal and local partners, in the proposed National Heritage Area.

Section 5(c)(1) of the bill gives the management entity the authority to make loans to various entities. Section 6 makes additional references to loans. No criteria or administrative guidelines are provided, and possible liability is not addressed. We believe there are more effective ways for management entities to use limited federal funds than creating loan programs, and we recommend that the provisions concerning loans be removed from the bill.

We would also request that the boundaries be clarified to assist the Secretary in preparing a map of the proposed National Heritage Area as the bill provides. Additionally, should the committee decide to take further action on this bill, we would be willing to provide appropriate language to address the role of all federal partners, revise the language concerning loans and clarify the boundaries.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,  
*Assistant Secretary for Fish and Wildlife and Parks.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 1, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC*

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on S. 2576, a bill to authorize the establishment of the Northern Rio Grande National Heritage Area in New Mexico.

The Department recognizes the appropriateness of designating the Northern Rio Grande National Heritage Area, as it has the characteristics necessary to be established as a national heritage area and the potential to meet the expectations of the National Park Service's National Heritage Area Program. We recommend, however, that the committee defer action on S. 2576 during the remainder of the 107th Congress. The Department has reviewed our progress on the President's Initiative to eliminate the deferred

maintenance backlog, and it is clear that we need to continue to focus our resources on caring for existing areas in the National Park System. While the designation of the heritage area will not result in additional acquisition or capital costs, the authorization provides for technical and grant assistance costs. Under this Act, total appropriations of \$10 million are authorized through the fiscal year 2017, of which not more than \$1,000,000 may be appropriated for any fiscal year. The Federal share of the costs for any activity funded under this Act shall not exceed 50 percent.

S. 2576 would establish the Northern Rio Grande National Heritage Area in Santa Fe County, Rio Arriba County, and Taos County in New Mexico. The bill designates the Northern Rio Grande National Heritage Area, Inc. a non-profit corporation chartered in the State of New Mexico, as the management entity for the heritage area. The management entity would be made up of representatives from Santa Fe County, Rio Arriba County, and Taos County, New Mexico, and Native American Tribes participating in the heritage area. The bill also authorizes the development of a management plan for the heritage area. If the plan is not submitted within three years, the heritage area becomes ineligible for federal funding until a plan is submitted to the Secretary. Additionally, S. 2576 outlines the duties of the management entity and prohibits the use of federal funds to acquire real property or interests in real property. At the request of the management entity, the Secretary would be authorized to provide technical and financial assistance to develop and implement the management plan.

The creation of the Northern Rio Grande National Heritage Area would encompass the long history of the cultural mosaic developed by Native American occupation, early Spanish settlement, Mexican Period settlement, mining, ranching, and other pioneer settlements, and the continuing influence of people of Hispanic, Anglo-American, and Native American descent. The area demonstrates the antiquity of native cultures as well as the genealogical longevity of the descendants of Spanish ancestors who settled in the area in 1598. The combination of cultures, languages, folk-arts, customs, and architecture make northern New Mexico unique within our national culture and history.

The National Park Service has defined a National Heritage Area as a place where natural, cultural, historic and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity. Heritage conservation efforts are grounded in a community's pride and interest in its history and traditions. Preserving the integrity of the cultural landscape and local stories means that future generations will be able to understand and define who they are, where they come from, and what ties them to their home. Thus, through the designation of the Northern Rio Grande National Heritage Area, these peoples will be better able to understand their rich and complex heritage as well as share it with the many visitors to northern New Mexico.

On a natural scale, the heritage area would provide a new partnership for management and protection of long natural vistas, isolated high desert valleys, mountain ranges and among the best air, water and night sky qualities found in the United States. Few roadways interrupt the ridges and range topography. A variety of flora and fauna are often present. Aside from its spectacular nat-

ural and scenic vistas, the area includes outstanding recreational resources.

As we have previously testified, there are several steps the National Park Service believes should be taken prior to Congress designating a national heritage area to help ensure that the heritage area is successful.

The stages are: a completion of a suitability/feasibility study; the public involvement in the suitability/feasibility study; gather a demonstration of widespread public support among heritage area residents for the proposed designation; and a commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

We believe that studies that have been completed or are underway meet the intent of these criterion. The proposed establishment is based on many years of work conducted by various local community organizations in New Mexico. One such study by the National Park Service, *Alternative Concepts for Commemorating Spanish Colonization* (1991), identified several alternatives consistent with the establishment of a National Heritage Area, including coordination with supporting historical research programs, such as the NPS Intermountain Spanish Colonial Research Center in Albuquerque, and NPS archaeological research programs in Santa Fe. This report and other related reports such as, *The Camino Real de Tierra Adentro Feasibility Study* (1997), conducted in New Mexico have included input from organizations, agencies, tribal representatives, a cross-section of citizens in the region, and potential partners who would be involved in the creation and management of a National Heritage Area. This activity is consistent with Secretary Norton's "4-Cs" effort, demonstrating the benefits of consultation, communication and coordination in the service of conservation.

A number of Federal agencies, including prominently the Bureau of Land Management (BLM) and the Forest Service are major land managers within the area covered by this legislation. For example, the BLM manages over a half million acres of Federal land within the proposed Heritage Area including important cultural, pre-historic, and historic sites as well as several Areas of Critical Environmental Concern (ACECs). We believe that the legislation should allow for the participation of all Federal partners, along with state, tribal and local partners, in the Heritage Area.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,

*Assistant Secretary for Fish and Wildlife and Parks.*

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STATEMENT OF BRENDA BARRETT, NATIONAL COORDINATOR  
FOR HERITAGE AREAS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department's views on S. 1441 and H.R. 695,

bills which would establish the Oil Region National Heritage Area.

While the Department recognizes the appropriateness of designating the Oil Region National Heritage Area, we recommend that the committee defer action on S. 1441 and H.R. 695 during the remainder of the 107th Congress. To meet the President's Initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System. While designation of the heritage area will not result in additional acquisition or capital costs, the authorization provides for up to \$1 million per year in grant assistance costs not to exceed \$10 million over the 15-year period after the date of the bill's enactment.

The Oil Heritage region comprises all of Venango County and a portion of Crawford County in western Pennsylvania. It is known, appropriately, as "The Valley That Changed the World" due to the first successful oil well drilled by Colonel Edwin Drake with the assistance of William Smith, a Pennsylvania salt well digger, in 1859. This event had an overriding impact on the industrial revolution and continues to affect the daily life of the nation and the world.

The region contains the world renowned Drake Well Museum in Titusville, Oil Creek State Park and portions of the Allegheny Wild and Scenic River, the latter designated by Congress in 1992, and administered by the U.S. Forest Service. It also contains 6 National Historic Districts, 17 sites listed on the National Register of Historic Places and an extensive collection of Victorian styled architecture in Franklin, Oil City, Emlenton and Titusville. Remnants of the oil boom era, including McClintock Well #1, the oldest operating well in the United States, can be found throughout the region. The stories of early oil magnates and those who worked in the oil fields provide exceptionally rich interpretive opportunities related to the region's natural and cultural resources. This important heritage contributes not only to our own national story, but also to the advancement of industries and transportation systems throughout the world.

Oil Heritage Region is currently designated a State Heritage Park by the State of Pennsylvania and its management entity, the Oil Heritage Region, Inc., is experienced in natural and cultural resources preservation and heritage related programming. The management entity enjoys the support of local governments and organizations in the proposed national heritage area. Its board of directors is already representative of many interests in the region. The bill provides that the Secretary will confirm its expanded representation in approving the required management plan for the heritage area.

In the opinion of the National Park Service there are four critical steps that need to be taken and documented prior to the Congress designating a heritage area. These stages are:

1. Completion of a suitability/feasibility study;
2. Public involvement in the suitability/feasibility study;
3. Demonstration of widespread public support among heritage area residents for the proposed designation; and
4. Commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

The National Park Service has reviewed the existing heritage and interpretive plans undertaken by Oil Region Heritage, Inc. beginning in 1994 and, at the request of Congressman John Peterson, conducted a week-long reconnaissance visit to confirm the region's eligibility for designation in early August 2000. A feasibility report entitled "Field Report on the Oil Region Heritage Park, Pennsylvania, as a National Heritage Area" was issued subsequent to the reconnaissance visit on September 15, 2000. It concludes that the Oil Heritage Region meets the above-listed feasibility criteria for designation as a national heritage area.

That completes my testimony. I would be happy to answer any questions that you or any of the members of the subcommittee may have.

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STATEMENT OF BRENDA BARRETT, NATIONAL COORDINATOR  
FOR HERITAGE AREAS, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR

Mr. Chairman, and members of the subcommittee, thank you for the opportunity to appear before you to present the views of the Department of the Interior on S. 1939, a bill to authorize the establishment of the Great Basin National Heritage Area in Nevada and Utah.

The Department recognizes the appropriateness of designating the Great Basin National Heritage Area, as the area has the characteristics necessary to be established as a national heritage area and the potential to meet the expectations of the National Park Service's national heritage area program. However, we recommend that the committee defer action on S. 1939 during the remainder of the 107th Congress. The Department has reviewed our progress on the President's Initiative to eliminate the deferred maintenance backlog, and it is clear that we need to continue to focus our resources on caring for existing areas in the National Park System. While the designation of the heritage area will not result in additional acquisition or capital costs, the authorization provides for grant assistance costs not to exceed \$10 million through the year 2020. At such time as this legislation moves forward, we support the amendments outlined in this testimony.

S. 1939 would establish the Great Basin National Heritage Area in White Pine County, Nevada, Millard County, Utah and on the Duckwater Shoshone Reservation, includ-

ing the towns of Delta, Utah, Ely, Nevada, and the surrounding communities.

The bill designates the Great Basin Heritage Area Partnership as the management entity for the Heritage Area. The management entity would be made up of representatives appointed by the Board of County Commissioners of Millard County, Utah, White Pine County Nevada, and Native American Tribes participating in the heritage area. The bill also authorizes the development of a management plan for the Heritage Area. If the plan is not submitted within five years, the Heritage Area becomes ineligible for federal funding. Additionally, S. 1939 outlines the duties of the management entity and prohibits the use of federal funds to acquire real property or interests in real property.

The management entity is authorized to spend federal funds on non-federally owned property. At the request of the management entity, the Secretary would be authorized to provide technical and financial assistance to develop and implement the management plan. S. 1939 authorizes \$10,000,000 in appropriations, through the year 2020, and limits federal funding to 50 percent of the total cost of any assistance or grant.

The creation of the Great Basin National Heritage Area would encompass the long history of Western habitation and development related to the pony express, mining, ranching, railroading, Native Americans, and Mormon and other pioneer settlements, as well as demonstrating the diversity of western culture and how people of Greek, Chinese, Basque, Serb, Croat, Italian, Hispanic, and Native American descent have influenced it.

On a natural scale the heritage area would provide a new partnership for management and protection of long natural vistas, isolated high desert valleys, mountain ranges and among the best air, water and night sky qualities found in the United States. Few roadways interrupt the basin and range topography. Large herds of mammals are often present. The area is recognized by the state of Nevada as the "Loneliest Highway in America," capitalizing on western landscape values.

A natural partnership between Great basin National Park and the Management Entity of the Heritage Area could be created; one which incorporates the enabling legislation of the park, allowing further interpretation of the 200,000 square miles of the Great Basin through association with other organizations.

The National Park Service has defined a National Heritage Area as a place where natural, cultural, historic and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity. Heritage conservation efforts are grounded in a community's pride and interest in its history and traditions. Preserving the integrity of the cultural landscape and local stories means that future generations will be able to understand and define who they are, where they come from, and what ties them to their home.

As we have previously testified, there are several steps the National Park Service believes should be taken prior to congress designating a national heritage area to help ensure that the heritage area is successful. The steps are:

1. Completion of a suitability/feasibility study;
2. Public involvement in the suitability/feasibility study;
3. Demonstration of widespread public support among heritage area residents for the proposed designation; and
4. Commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

We believe that studies that have been completed or are underway meet the intent of these criteria. The proposed establishment is based on many years of work conducted by various local community organizations in Utah and Nevada, culminating in The Strategy for Development of the Great Basin Heritage Route prepared by the Great Basin Heritage Route Partnership, with input from a cross-section of citizens in the region. This report and other related reports conducted in Utah and Nevada have included organizations, agencies, tribal representatives, and potential partners who would be involved in the creation and management of a National Heritage Area. This coalition is consistent with Secretary Norton's "4-Cs" effort, demonstrating the benefits of consultation, communication and collaboration in the service of conservation.

Additional reports and studies that address a Great Basin National Heritage Area include The Baker and Great Basin National Park Business Plan: A Regional Integrated Tourism Development Study, prepared in part by the Great Basin Business and Tourism Council and the National Trust for Historic Preservation. Additionally, a Cultural Resources Survey, funded through the Utah State Division of History, is in the process of being completed. Funds have also been set aside by the Nevada Department of Economic Development to begin writing a management plan for the area. Although not specifically related to the Great Basin National Heritage Area when they were prepared, the National Park Service completed two new area studies, in 1980 and 1981, of the Great Basin area which examined resources and identified sites with potential for representing the Great Basin theme.

The completed studies as well as those in progress have generated popular support for this proposal and have been accomplished with little involvement from the National Park Service. Taken together, the studies accomplish goals similar to those undertaken in a National Park Service study.

At such time as S. 1939 moves forward, we recommend the following amendments. These suggestions are either consistent with amendments we have suggested in pre-



vious heritage area bills or will conform S. 1939 to recent heritage area legislation.

Section 7(a)(1) of the bill gives the management entity the authority to make loans to various entities. No criteria or administrative guidelines are provided, and possible liability is not addressed. We believe these are more effective ways for management entities to use limited federal funds than creating loan programs.

Section 8(b) authorizes the Secretary to expand federal funds on non-federally owned property to further the purposes of the Act. Section 8(b)(2) directs the Historic American Building Survey (HABS) and the Historic American Engineering Record (HAER) to conduct studies necessary to document the industrial, engineering, building, and architectural history of the region. We feel that federal funds authorized in the bill for the heritage area's management entity are for implementation of their plan and to address these types of issues. Money for any studies by HABS/HAER should come from the heritage area's funding as part of its planning process. We strongly urge that this section be removed from the bill.

We also suggest several amendments that would conform S. 1939 to similar, recently passed heritage area legislation. These amendments include defining the boundaries, clarifying the role of tribal representatives in the management entity, standardizing the development of the management plan, as well as the termination of authority and appropriations language. Our proposed amendment are attached to this testimony.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.

#### PROPOSED AMENDMENTS—S. 1939

Page 6, line 25, before the period, insert "in Nye County, Nevada. The boundaries of the Heritage Area shall be specified in detail in the management plan developed in Section 6."

Page 7, line 2, strike "As a condition for the receipt of Federal funds under this Act, the" and insert "The".

Page 7, line 21, after "Utah," insert "and the tribal governing body of each Native American Tribe participating in the Heritage Area".

Page 9, line 12, strike "5" and insert "3".

Page 9, line 13, strike "may" and insert "shall".

Page 13, line 16, strike "loans and".

Page 17, line 4, strike "(b) SPENDING FOR NON-FEDERAL PROPERTY." and all that follows through line 18, and redesignate subsections (c), (d), and (e), as subsections (b), (c), and (d), respectively.

Page 17, line 25, strike "Federal,".

Page 19, line 3, strike "September 20, 2020" and insert "September 30, 2012".

Page 19, line 6, insert before the period " , of which not more than \$1,000,000 is authorized to be appropriated for any 1 fiscal year".

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing rules of the Senate, changes in existing law made by the Act H.R. 695, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 99-647—Nov. 10, 1986

AN ACT To establish Blackstone River Valley National Heritage Corridor in  
Massachusetts and Rhode Island

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**SECTION 1. ESTABLISHMENT OF NATIONAL HERITAGE CORRIDOR.**

\* \* \* \* \*

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) There is authorized to be appropriated annually to the Commission \$650,000 for the next five fiscal years to carry out the purposes of this Act; except that the Federal contribution to the Commission shall not exceed 50 percent of the annual operating costs of the Commission.

[(b) DEVELOPMENT FUNDS.—For fiscal years 1996, 1997, and 1998, there is authorized to be appropriated to carry out section 8(c) not to exceed \$5,000,000.]

(b) *DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) for the period of fiscal years 2003 through 2007 not more than \$5,000,000, to remain available until expended.*

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